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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,943	03/13/2001	Henry Haverinen	P 276745	9063
909	7590	06/10/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			PHAM, BRENDA H	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

2664

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/803,943

Applicant(s)

HAVERINEN, HENRY

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,9,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7-811-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1, 3-9, 11-15 are pending.
2. The indicated allowability of claims 1, 5-6, 9 and 14-15 is withdrawn in view of the newly discovered reference(s) to Ton (US 6,771,623 B2). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

3. Claim 11 is objected to because of the following informalities: claim 11 is depending on canceled claim 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 5-6, 9, 14 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Ton (US 6,771,623 B2).

Claims 1, 5, 9, 14 and 15, Ton discloses a telecommunication system, a telecommunication device and method for balancing load in a telecommunications system supporting Mobile IP, the system including at least one primary home agent configured to support mobility of at least one mobile node, the method comprising:

Art Unit: 2664

adding one or more secondary home agents to the telecommunications system, in addition to the at least one primary home agent; and processing, in the primary home agent, registration requests, sent from the at least one mobile node or a foreign agent serving the mobile node in a visited network; sending a routing request to the one or more secondary home agents to transmit packets destined for the at least one mobile node in response to receiving a registration request that is acceptable from the mobile node or from the foreign agent serving the mobile node in the visited network; and intercepting and tunneling packets destined for the at least one mobile node by the one or more secondary home agent in response to the routing request (see figure 1, col. 5, line 53-63).

Claim 6, Ton teaches the method of claim 1, further comprising: transmitting packets destined for the at least one mobile node via the primary home agent in response to receiving an acceptable registration request from the at least one mobile node or a foreign agent serving the mobile node in the visited network; sending a routing request to the one or more second home agents to transmit the packets destined for the at least one mobile node; intercepting and tunneling the packets destined for the at least one mobile node using the one or more secondary home agents in response to the routing request; and stopping packet transmission to the at least one mobile via the primary home agent (see figure 4).

***Allowable Subject Matter***

6. Claims 3, 4, 6-8, 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach in combination the method of claim 1 further comprising: updating Address Resolution Protocol and tunneling configuration of the one or more secondary home agents supporting IPv4 protocol, or neighbor discovery configurations and tunneling configurations of the one or more secondary home agents supporting IPv6 protocol, and intercepting and tunneling the packets destined for the at least one mobile node using the updated Address Resolution Protocol and tunneling configurations or the neighbor discovery and tunneling configurations.

The prior art fails to teach in combination the method of claim 1, further comprising: collecting loading information by monitoring a number of packets transmitted by the primary home agent; and transmitting packets destined for the at least one mobile node via the one or more secondary home agents to balance the load in response to a number of transmitted packets being transmitted by the primary home agent exceeding a predetermined threshold value.

The prior art fails to teach the method of claim 1, further comprising: sending a stop forwarding request to the one or more secondary home agents if a mobility binding

Art Unit: 2664

to the at least one mobile node is released or a registration lifetime of the mobile node expires; and stopping the packet transmission to the at least one mobile station via the one or more secondary home agents in response to the stop forwarding request.

The prior art fails to teach the method of claim 1, further comprising: sending information indicating a duration of packet transmission to the one or more secondary home agents, and stopping the packet transmission to the at least one mobile node via the secondary home agents if a duration indicated in the sent information expires.

### ***Conclusion***

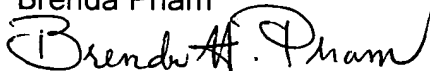
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

June 3, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda Pham". The signature is written in a cursive style with a large, stylized "B" and "P".